

EXHIBIT F

From: Cross, David D. <DCross@mofo.com>
Sent: Wednesday, November 22, 2023 10:34 AM
To: Carey Miller; Josh Belinfante; Fisher, Ramsey W.; Bryan Tyson; Vincent Russo; Robert McGuire; Alexander Denton; bbrown@brucepbrownlaw.com; Bryan Jacoutot; cichter@ichterdavis.com; cino@khlawfirm.com; hknapp@khlawfirm.com; Javier Pico-Prats; rabney@wattsguerra.com; sparks@khlawfirm.com; Marilyn Marks; Christian Andreu-von Euw; Kaiser, Mary; Conaway, Jenna B.
Subject: RE: Curling - Meet/Confer regarding Halderman Data/Code

Oh. Good catch. That works. Thanks, Carey.

DAVID D. CROSS
CHAIR OF ANTITRUST LITIGATION PRACTICE
Partner | Morrison & Foerster LLP
2100 L Street, NW, Suite 900 | Washington, DC 20037
P: +1 (202) 887-8795
mofo.com | [LinkedIn](#) | [Twitter](#)

From: Carey Miller <carey.miller@robbinsfirm.com>
Sent: Wednesday, November 22, 2023 10:34 AM
To: Josh Belinfante <Josh.Belinfante@robbinsfirm.com>; Cross, David D. <DCross@mofo.com>; Fisher, Ramsey W. <RamseyFisher@mofo.com>; Bryan Tyson <btyson@taylorenghish.com>; Vincent Russo <vrusso@robbinsfirm.com>; Robert McGuire <ram@lawram.com>; Alexander Denton <Alexander.Denton@robbinsfirm.com>; bbrown@brucepbrownlaw.com; Bryan Jacoutot <bjacoutot@taylorenghish.com>; cichter@ichterdavis.com; cino@khlawfirm.com; hknapp@khlawfirm.com; Javier Pico-Prats <javier.picoprats@robbinsfirm.com>; rabney@wattsguerra.com; sparks@khlawfirm.com; Marilyn Marks <Marilyn@USCGG.org>; Christian Andreu-von Euw <christian@blgrp.com>; Kaiser, Mary <MKaiser@mofo.com>; Conaway, Jenna B. <JConaway@mofo.com>
Subject: RE: Curling - Meet/Confer regarding Halderman Data/Code

External Email

One point of clarification – the filing is due by 2:30 on Monday. Suggest we exchange by maybe 1:30 to ensure timely filing.

Carey A. Miller
T: 404 856 3286 | E: cmiller@robbinsfirm.com

From: Josh Belinfante <Josh.Belinfante@robbinsfirm.com>
Sent: Wednesday, November 22, 2023 10:33 AM
To: Cross, David D. <DCross@mofo.com>; Fisher, Ramsey W. <RamseyFisher@mofo.com>; Bryan Tyson <btyson@taylorenghish.com>; Vincent Russo <vrusso@robbinsfirm.com>; Robert McGuire <ram@lawram.com>; Alexander Denton <Alexander.Denton@robbinsfirm.com>; bbrown@brucepbrownlaw.com; Bryan Jacoutot <bjacoutot@taylorenghish.com>; cichter@ichterdavis.com; cino@khlawfirm.com; Carey Miller <carey.miller@robbinsfirm.com>; hknapp@khlawfirm.com; Javier Pico-Prats <javier.picoprats@robbinsfirm.com>; rabney@wattsguerra.com; sparks@khlawfirm.com; Marilyn Marks <Marilyn@USCGG.org>; Christian Andreu-von Euw

<christian@blgrp.com>; Kaiser, Mary <MKaiser@mofo.com>; Conaway, Jenna B. <JConaway@mofo.com>

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I think that's fine.

Thanks again and Happy Thanksgiving.

JB

Josh Belinfante

T: 404 856 3262 | E: jbelinfante@robbinsfirm.com

From: Cross, David D. <DCross@mofo.com>

Sent: Wednesday, November 22, 2023 10:31 AM

To: Josh Belinfante <Josh.Belinfante@robbinsfirm.com>; Fisher, Ramsey W. <RamseyFisher@mofo.com>; Bryan Tyson <btyson@taylorenghish.com>; Vincent Russo <vrusso@robbinsfirm.com>; Robert McGuire <ram@lawram.com>; Alexander Denton <Alexander.Denton@robbinsfirm.com>; bbrown@brucepbrownlaw.com; Bryan Jacoutot <bjacoutot@taylorenghish.com>; cichter@ichterdavis.com; cino@khlawfirm.com; Carey Miller <carey.miller@robbinsfirm.com>; hknapp@khlawfirm.com; Javier Pico-Prats <javier.picoprats@robbinsfirm.com>; rabney@wattsguerra.com; sparks@khlawfirm.com; Marilyn Marks <Marilyn@USCGG.org>; Christian Andreu-von Euw <christian@blgrp.com>; Kaiser, Mary <MKaiser@mofo.com>; Conaway, Jenna B. <JConaway@mofo.com>

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Understood. I assume we'll exchange our respective portions simultaneously on Monday for filing. Should we say 5 pm ET? And I assume you'll handle the filing since it's your motion – does that work?

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Partner | Morrison & Foerster LLP

2100 L Street, NW, Suite 900 | Washington, DC 20037

P: +1 (202) 887-8795

mofo.com | [LinkedIn](#) | [Twitter](#)

From: Josh Belinfante <Josh.Belinfante@robbinsfirm.com>

Sent: Wednesday, November 22, 2023 10:25 AM

To: Cross, David D. <DCross@mofo.com>; Fisher, Ramsey W. <RamseyFisher@mofo.com>; Bryan Tyson <btyson@taylorenghish.com>; Vincent Russo <vrusso@robbinsfirm.com>; Middleton, Caroline <CMiddleton@mofo.com>; Robert McGuire <ram@lawram.com>; Kaye.Burwell@fultoncountyga.gov; Alexander Denton <Alexander.Denton@robbinsfirm.com>; bbrown@brucepbrownlaw.com; Bryan Jacoutot <bjacoutot@taylorenghish.com>; cichter@ichterdavis.com; cino@khlawfirm.com; Carey Miller <carey.miller@robbinsfirm.com>; hknapp@khlawfirm.com; Javier Pico-Prats <javier.picoprats@robbinsfirm.com>; rabney@wattsguerra.com; sparks@khlawfirm.com; Marilyn Marks <Marilyn@USCGG.org>; Christian Andreu-von Euw <christian@blgrp.com>; Kaiser, Mary <MKaiser@mofo.com>; Conaway, Jenna B. <JConaway@mofo.com>

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David:

Thank you for getting back to us. We appreciate your efforts to reach as solution, as we trust you do our efforts to work in good faith to resolve this issue.

As things sit, we believe we must preserve and maintain our objection to Dr. Halderman's use of information that has not been disclosed to us. As we have previously pointed out, the issue was teed up for the Court; we proposed a security protocol that (we still believe) went unanswered, and we indicated on a transcribed conference before the Court that we did not need the malware for summary judgment but would should the case proceed to trial. We understand you disagree, but we believe this issue must now be resolved by the Court.

Best regards,
JB

Josh Belinfante

T: 404 856 3262 | E: jbelinfante@robbinsfirm.com

From: Cross, David D. <DCross@mofo.com>

Sent: Wednesday, November 22, 2023 12:32 AM

To: Josh Belinfante <Josh.Belinfante@robbinsfirm.com>; Fisher, Ramsey W. <RamseyFisher@mofo.com>; Bryan Tyson <btyson@taylorenchinese.com>; Vincent Russo <vrusso@robbinsfirm.com>; Middleton, Caroline <CMiddleton@mofo.com>; Robert McGuire <ram@lawram.com>; Kaye.Burwell@fultoncountyga.gov; Alexander Denton <Alexander.Denton@robbinsfirm.com>; bbrown@brucepbrownlaw.com; Bryan Jacoutot <bjacoutot@taylorenchinese.com>; cichter@ichterdavis.com; cino@khlawfirm.com; Carey Miller <carey.miller@robbinsfirm.com>; hknapp@khlawfirm.com; Javier Pico-Prats <javier.picoprats@robbinsfirm.com>; rabney@wattsguerra.com; sparks@khlawfirm.com; Marilyn Marks <Marilyn@USCGG.org>; Christian Andreu-von Euw <christian@blgrp.com>; Kaiser, Mary <MKaiser@mofo.com>; Conaway, Jenna B. <JConaway@mofo.com>

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Hi Josh –

Thanks for sending this over. Sorry for not responding sooner. The team and I have been tied up on pretrial submissions here and a bunch of briefs due in another case tomorrow.

If we understand your proposal right below, I don't think we can agree to it. We can't agree to limit any video demonstration of Dr. Halderman's work and findings to what we showed in the 2020 PI hearing. That predates the 100-page report he prepared and we produced in July 2021 reflecting significant additional work and findings. As we explained on Monday, we believe we have a right to present any of his analyses and findings reflected in any of his reports, declarations, testimony, or other discovery disclosures at trial, including with the aid of one or more video demonstratives.

Additionally, as we've also explained before, we're not comfortable producing his programming code given the extraordinary risk that code poses to elections were it to end up in the wrong hands. While we could have devised a protocol to inspect that when the Court provided Defendants an opportunity to do so during discovery in 2022 (and originally in 2021), the time, burden, and expense to do that now isn't feasible with trial only about seven weeks away.

We genuinely don't understand why Defendants didn't pursue this at any point since last raising the issue in the spring of 2021. The explanation provided to the Court was that we included the Fulton equipment on our exhibit list. Our commitment to remove that from the list obviates that reason and therefore should moot this issue. We continue to believe that's a very fair compromise here. We believe the case law decidedly supports our objection to the timeliness of

this discovery request, and so we think it's highly unlikely the Court will grant the request at this very late date due to the lack of diligence over the last 20 months or so. And it's very prejudicial to us to have to rely on video clips for our demonstrations rather than doing it live with the equipment as we did in 2018. Nonetheless, we've offered to forgo bringing the equipment into the courtroom as a compromise to specifically resolve the reason you gave for the request so as to avoid the Judge and the parties dealing with briefing on a discovery dispute at this very busy time, especially during the holidays this week.

We hope you'll reconsider your position and accept our compromise. Please let us know by noon ET tomorrow / Wednesday so we know if we need to prepare our portion of a joint filing for Monday.

Happy Thanksgiving to you and your colleagues.

DC

DAVID D. CROSS
CHAIR OF ANTITRUST LITIGATION PRACTICE

Partner | Morrison & Foerster LLP

2100 L Street, NW, Suite 900 | Washington, DC 20037

P: +1 (202) 887-8795

mofo.com | [LinkedIn](#) | [Twitter](#)

From: Josh Belinfante <Josh.Belinfante@robbinsfirm.com>

Sent: Tuesday, November 21, 2023 10:08 AM

To: Fisher, Ramsey W. <RamseyFisher@mofo.com>; Bryan Tyson <btyson@taylorenghish.com>; Vincent Russo <vrusso@robbinsfirm.com>; Cross, David D. <DCross@mofo.com>; Middleton, Caroline <CMiddleton@mofo.com>; Robert McGuire <ram@lawram.com>; Kaye.Burwell@fultoncountyga.gov; Alexander Denton <Alexander.Denton@robbinsfirm.com>; bbrown@brucepbrownlaw.com; Bryan Jacoutot <bjacoutot@taylorenghish.com>; cichter@ichterdavis.com; cino@khlawfirm.com; Carey Miller <carey.miller@robbinsfirm.com>; hknapp@khlawfirm.com; Javier Pico-Prats <javier.picoprats@robbinsfirm.com>; rabney@wattsguerra.com; sparks@khlawfirm.com; Marilyn Marks <Marilyn@USCGG.org>; Christian Andreu-von Euw <christian@blgrp.com>; Kaiser, Mary <MKaiser@mofo.com>; Conaway, Jenna B. <JConaway@mofo.com>

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Curling Plaintiffs' Counsel:

When we discussed yesterday, we understood that to resolve the dispute, Plaintiffs would agree that they would not be performing any sort of "hack" demonstration at trial with the Dominion BMD equipment but that they would again utilize the same video submissions from the September 2020 PI Hearing. We believe this agreement will largely resolve this dispute, with the only caveat being that of the 2020 PI Hearing demonstration. In which case, we will need (a) the election files utilized for such demonstration, (b) disclosure of the make, model, and settings of the printer utilized, and (c) the programming code on the "small computer" Dr. Halderman utilized to perform his "relay attack."

At bottom, our intent here is that we will need disclosed to us the underlying technical data which will form the basis of Dr. Halderman's anticipated testimony as required by Rule 26, specifically with respect to any demonstration you intend to offer at trial applying such technical data to a component of the elections system.

We reserve all rights to object at trial, but your agreement can obviate the need for a motion in limine.

Hopefully this resolves the issue.

Let us know and thanks,

JB

Josh Belinfante

T: 404 856 3262 | E: jbelinfante@robbinsfirm.com

From: Fisher, Ramsey W. <RamseyFisher@mofo.com>

Sent: Monday, November 20, 2023 12:54 PM

To: Bryan Tyson <btyson@taylorenghish.com>; Vincent Russo <vrusso@robbinsfirm.com>; Cross, David D. <DCross@mofo.com>; Middleton, Caroline <CMiddleton@mofo.com>; Robert McGuire <ram@lawram.com>; Kaye.Burwell@fultoncountytga.gov; Alexander Denton <Alexander.Denton@robbinsfirm.com>; bbrown@brucepbrownlaw.com; Bryan Jacoutot <bjacoutot@taylorenghish.com>; cichter@ichterdavis.com; cino@khlawfirm.com; Carey Miller <carey.miller@robbinsfirm.com>; hknapp@khlawfirm.com; Josh Belinfante <Josh.Belinfante@robbinsfirm.com>; Javier Pico-Prats <javier.picoprats@robbinsfirm.com>; rabney@wattsguerra.com; sparks@khlawfirm.com; Marilyn Marks <Marilyn@USCGG.org>; Christian Andreu-von Euw <christian@blgrp.com>; Kaiser, Mary <MKaiser@mofo.com>; Conaway, Jenna B. <JConaway@mofo.com>

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Hi Bryan,

In addition to the dispute concerning Dr. Halderman's work, we would also like to discuss the following on today's call.

1. Exchange of public proposed exhibits.
2. State's list of proposed motions in limine.
3. Proposed items to include in the joint pretrial order.
4. Witness lists.
5. Trial subpoenas

Thanks,

Ramsey

From: Bryan Tyson <btyson@taylorenghish.com>

Sent: Monday, November 20, 2023 4:23 AM

To: Vincent Russo <vrusso@robbinsfirm.com>; Cross, David D. <DCross@mofo.com>; Middleton, Caroline <CMiddleton@mofo.com>; Robert McGuire <ram@lawram.com>; Bryan Tyson <btyson@taylorenghish.com>; Kaye.Burwell@fultoncountytga.gov; Alexander Denton <Alexander.Denton@robbinsfirm.com>; bbrown@brucepbrownlaw.com; Bryan Jacoutot <bjacoutot@taylorenghish.com>; cichter@ichterdavis.com; cino@khlawfirm.com; Carey Miller <carey.miller@robbinsfirm.com>; hknapp@khlawfirm.com; Josh Belinfante <Josh.Belinfante@robbinsfirm.com>; Javier Pico-Prats <javier.picoprats@robbinsfirm.com>; rabney@wattsguerra.com; sparks@khlawfirm.com; Marilyn Marks <Marilyn@USCGG.org>; Christian Andreu-von Euw <christian@blgrp.com>; Kaiser, Mary <MKaiser@mofo.com>; Conaway, Jenna B. <JConaway@mofo.com>; Fisher, Ramsey W. <RamseyFisher@mofo.com>

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Counsel:

Pursuant to Judge Totenberg's order, please identify a time to meet and confer today regarding the "various data, computer programs, code, and other items discussed by Dr. Halderman in his Report." We'll work around everyone's schedule.

Thanks,

Bryan



Bryan P. Tyson

Taylor English Duma LLP | 1600 Parkwood Circle, Suite 200, Atlanta, GA 30339

P: 678.336.7249 | M: 404.219.3160 | btyson@taylorenghish.com

[Website](#) | [LinkedIn](#) | [Twitter](#)

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